

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DANIEL T. BRUMFIELD, M.D., and
DAINA RYCKMAN,

Plaintiffs,

v.

SDPD OFFICERS MUNOZ, DAWSON,
PIERCE, and BOLLIG; AMERICO A.
ALBALA, M.D.; MICHAEL MCMANUS,
M.D., and DOES 1-20 inclusive,

Defendants.

Civil No.08cv958-WQH(NLS)

**ORDER RE: JOINT MOTION TO
CONTINUE ENE CONFERENCE;**

[Doc. No. 12]

**VACATING EARLY NEUTRAL
EVALUATION CONFERENCE,
SETTING RULE 26 COMPLIANCE,
AND NOTICE OF TELEPHONIC CASE
MANAGEMENT CONFERENCE**

Before the Court in the above-captioned matter is a joint request by the parties to continue the Early Neutral Evaluation Conference (“ENE”) currently scheduled for October 1, 2008 at 2:00 p.m. [Doc. No. 12]. The parties base their request on the current procedural posture of the case; two of the five individually named defendants have filed a motion to dismiss Plaintiff’s case against them, currently pending before the presiding District Judge [Doc. No. 4]. Counsel also cite conflicting trial schedules and travel as reasons for their unavailability on the date of the ENE and certain dates thereafter. The Court notes that the ENE has been continued once already, and therefore the time period provided by the Local Civil Rules for holding an ENE within 45 days of the filing of an answer has long since expired.

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Accordingly, in compliance with Federal Rule of Civil Procedure, Rule 26, and based thereon,

IT IS HEREBY ORDERED THAT:

1. The Early Neutral Evaluation Conference previously scheduled for October 1, 2008 is **VACATED.**

2. Counsel are ordered to appear **telephonically** on November 14, 2008 at 10:00 a.m. before Magistrate Judge Stormes for a Case Management Conference pursuant to Federal Rule of Civil Procedure 16(b). Plaintiff's counsel shall initiate the telephonic conference.

2. The Rule 26(f) conference shall be completed on or before October 17, 2008.

3. A Joint Discovery Plan shall be lodged with Magistrate Judge Stormes on or before October 29, 2008. (The date and time for the CMC should be included in the caption of the Joint Discovery Plan.)


4. The date of initial disclosure pursuant to Rule 26(a)(1)(A-D) shall occur on or before November 4, 2008.

Plaintiff's counsel shall serve a copy of this order on all parties that enter this case hereafter. Each responsible attorney of record and all parties representing themselves shall participate in the conference. Represented parties need not participate.

Failure of any counsel or party to comply with this order will result in sanctions.

IT IS SO ORDERED.

DATED: September 24, 2008


Hon. Nita L. Stormes
U.S. Magistrate Judge